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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,322	07/22/2003	William Noonan	RPS8-2002-0499	7299
25299	7590	02/21/2006	EXAMINER	
IBM CORPORATION			AHN, SANGWOO	
PO BOX 12195				
DEPT YXSA, BLDG 002			ART UNIT	PAPER NUMBER
RESEARCH TRIANGLE PARK, NC 27709			2166	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/624,322	NOONAN, WILLIAM
	Examiner Sangwoo Ahn	Art Unit 2166

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 July 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) 10 and 20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 July 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>02072005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Objections

Claim 10 and 20 are objected to because of the following informalities:

Claim 10 recites “said personal shopper device” in line 7. There is lack of antecedent basis for this limitation. The examiner suggests the applicant to change this limitation to “said portable shopper device”.

Claim 20 is objected to because of a typological error. Line 2 of the claim recites “concurrently, instant of time..”. The examiner suggests the applicant to correct the typological error.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3 – 5, 7 – 12, 14 – 16, 18 – 20 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 6,550,674 issued to Yoram Neumark (hereinafter “Neumark”).

As per claim 1, Neumark discloses,

A method for updating a retail planogram comprising the steps of

reading an electronic transmission from at least one RFID tag in a retail environment located in proximity to a product, using a personal shopper device having a location sensing mechanism (column 4 lines 65 – 66), a memory (column 4 lines 52 – 54), a software means (data file creating capability means there is a software), and an RFID reader (column 4 line 51, column 5 lines 57 – 58), wherein an initial planogram is stored therein (Figure 1, column 5 lines 36 – 64, column 6 lines 6 - 42),

collecting said read electronic location information transmitted from said at least one RFID tag by said shopper device (column 4 lines 52 – 56, column 5 line 57),

analyzing and comparing said collected location information by said software means of said shopper device, with said initial planogram in relation to initial location information of said product with collected location information for said product from said collected information (column 7 line 48 – column 8 line 5),

updating said initial location information for said product in said initial planogram in response to collected location information to provide an updated planogram to display current location information for said product in a current planogram arrangement in said retail environment (column 7 line 48 – column 8 line 5).

As per claim 3, Neumark discloses said RFID tag is an RFID shelf tag (column 4 lines 50 – 52, column 6 lines 6 – 9).

As per claim 4, Neumark discloses transmitting said analyzed information to a retail server wherein a database map of product locations is generated in relation to their respective RFID shelf tags (Figure 1, column 4 lines 50 – 60).

As per claim 5, Neumark discloses said read electronic information includes unique product identifiers and unique location identifiers indicating unique information about products in said retail environment (column 6 lines 35 – 42).

As per claim 7, Neumark discloses said method is performed by a retailer (column 4 lines 36 – 40, column 6 lines 6 – 12).

As per claim 8, Neumark discloses all product labels in said retail environment are RFID shelf tags (column 4 lines 50 – 52, column 6 lines 6 – 9).

As per claim 9, Neumark discloses generating an updated planogram (column 7 line 48 – column 8 line 5).

As per claim 10, Neumark discloses,
A system for updating a planogram comprising,
a portable shopper device having a location sensing means, a software means
and an RFID reader (Figure 1, column 4 line 47 – column 5 line 3)
a retail system comprising a database in communication with said shopper
device (Figure 1, column 4 lines 50 – 60),
an initial planogram stored in said database (column 8 lines 1 – 3), and
one or more product RFID shelf labels positioned in a retail environment (column
4 lines 50 – 52, column 6 lines 6 – 9),
wherein said RFID reader is capable of reading an electronic transmission from
at least said one or more RFID shelf labels using said personal shopper device and
transmitting collected read electronic information to said database, wherein said initial
planogram is updated in response to collected read electronic information by said

software means and said database is updated with a current planogram reflecting said collected read electronic information (column 4 line 65 – column 5 line 3, column 7 line 48 – column 8 line 5).

As per claim 11, Neumark discloses said software means is software that compares initial product location information with collected product location information and identifies differences there between (column 7 line 48 – column 8 line 5).

As per claim 12, Neumark discloses said location sensing means reads coordinates from known location points within said retail environment to determine a coordinate location point of said shopper device at an instant of time (column 4 line 56 – column 5 line 3, column 7 lines 25 – 41).

As per claim 14, Neumark discloses said RFID shelf label further comprise visible product information including per unit price (Figure 1 elements 20 and 30).

As per claim 15, Neumark discloses said RFID label transmits electronic information including unique product identifiers and unique location identifiers indicating unique information to said RFID reader (column 6 lines 35 – 42).

As per claim 16, Neumark discloses all product labels in said retail environment are RFID shelf tags (column 4 lines 50 – 52, column 6 lines 6 – 9).

As per claim 18, Neumark discloses a printer for printing an updated planogram (column 8 lines 5 – 6).

With respect to claim 19, Neumark discloses,

A system for generating an updated planogram in a retail environment comprising,

a portable shopper device having a location sensor, comparative software and an RFID reader (Figure 1, column 4 line 47 – column 5 line 3),

a retail system comprising a server, a database in communication with said shopper device,

a wireless communication network (Figure 1, column 4 lines 50 – 60),
an initial planogram stored in said database (column 8 lines 1 – 3), and
a plurality of product RFID shelf labels positioned in proximity to each of their respective products, wherein said RFID reader reads product location information electronically transmitted from at least one of said plurality of product RFID shelf labels using said personal shopper device and said comparative software compares initial product location information of said initial planogram with said read product location information and updates said initial planogram in response to said read product location information and said database is updated with a current planogram in relation to said read product location information (column 4 line 65 – column 5 line 3, column 6 lines 7 – 14, column 7 line 48 – column 8 line 5).

With respect to claim 20, Neumark discloses said database stores said initial planogram and said current planogram concurrently (column 7 line 48 – column 8 line 5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 16, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumark in view of U.S. Publication Number 2002/0174025 issued to John R. Hind et al (hereinafter "hind").

As per claim 2, Neumark discloses the method of claim 1 as discussed above in 35 U.S.C. 102(a) rejection section.

Neumark does not explicitly disclose said device is fixedly mounted to a shopping cart.

However, Hind discloses said device fixedly mounted to a shopping cart (Figure 3, paragraph 12). It would have been obvious to a person of ordinary skill in the data processing art to combine the above two references because the combination would have provided targeted advertising and personalized service to the customer using the display device on the shopping cart (paragraph 12).

As per claim 6, Neumark discloses the method of claim 3 as discussed above in 35 U.S.C. 102(a) rejection section.

Neumark does not explicitly disclose said method is performed by a consumer.

However, Hind discloses said method performed by a consumer (Figure 3, paragraphs 9 – 14). It would have been obvious to a person of ordinary skill in the data

processing art to combine the above two references because the combination would have provided targeted advertising and personalized services (such as providing various product information) to customers using wireless communication devices (paragraph 9)

As per claim 13, Neumark discloses the system of claim 11 as discussed above in 35 U.S.C. 102(a) rejection section.

Neumark does not explicitly disclose said shopper device is a hand-held device having a display in wireless communication with said retail system.

However, Hind discloses said shopper device being a hand-held device having a display in wireless communication with said retail system (Figures 1 – 2, 4 – 5). It would have been obvious to a person of ordinary skill in the data processing art to combine the above two references because Hind's display device would have enabled Neumark's system to provide visual display to users to enhance personalized services, such as providing various information of a certain product.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neumark in view of U.S. Publication Number 2002/0178013 issued to Beth Louise Hoffman (hereinafter "Hoffman").

As per claim 17, Neumark discloses the system of claim 11 as discussed above in 35 U.S.C. 102(a) rejection section.

Neumark does not explicitly disclose a display for displaying an updated planogram.

However, Hoffman discloses a display for displaying an updated planogram (paragraph 36). It would have been obvious to a person of ordinary skill in the data processing art to combine the above two references because Hoffman's planogram display device would have enabled Neumark's system to provide visual display to users to enhance personalized services, such as providing location information of a certain product (paragraph 2 – 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

UK Patent Document Number GB2375407A issued to Christopher John Stokes et al (published Nov 13, 2002) discloses a stock location management system that comprises a device capable of finding the physical location of a product.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sangwoo Ahn whose telephone number is (571) 272-5626. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sangwoo Ah
Patent Examiner
AU2166

2/1/2006 SW



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PRIMARY EXAMINER